IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9789 of 2004

Between:
Bandi Suresh Kumar S/o late Rama Rao,
R/o Visakhapatnam

..... PETITIONER

AND

1 The Deputy Commissioner Endowments Department,
Kakinada, East Godavari district
2 The Executive Officer, Simhachalam Devastanam,
Simhachalam, Visakhapatnam District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, particularly a writ in the nature of Mandamus, declaring the action of the 2nd respondent herein in seeking to evict the petitioner from the petitioner's land of an extent of 1.12 cents covered by TD. NO. 1526 in Sy. No. 14/2A in Jaggarajupeta Village, Gajuwaka Municipality Gajuwaka Mandal, Visakhapatnam District as illegal and unconstitutional

For the Petitioner: Mr.K.V.SUBRAMANYA NARASU, Advocate

For the Respondent No.1: THE GP FOR ENDOWMENTS

The Court made the following ORDER :

This writ petition is filed by the petitioner claiming that he is the owner of an extent of Ac.1.12 cents of land in Survey No.14/2A in Jaggarajupeta village, Gajuwaka Mandal, Visakhapatnam district.

2. The grievance of the petitioner is that the second respondent – temple authorities claiming to be the owner of the said land are trying to interfere and evict him from the said land without initiating any proceedings, either under the provisions of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') or by way of any civil suit. Therefore, the petitioner has come up with the present writ petition and sought for a direction to the respondents not to interfere with the possession of the petitioner or evict him from the land in question without initiating legal proceedings under appropriate provisions of the Act or otherwise.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

4. The case of the petitioner is that he is the owner of the land in an extent of Ac.1.12 cents in Survey No.14/2A in Jaggarajupeta village, Gajuwaka Mandal, Visakhapatnam district and the second respondent, claiming to be the owner of the said land without initiating any proceedings is trying to evict him forciably. If such steps have been taken by the second respondent, they are not in accordance with law and therefore, the second respondent cannot evict the petitioner without resorting to legal proceedings.

5. The writ petition is accordingly disposed of directing the respondents not to interfere with the possession of the petitioner or evict him from the said land i.e., Ac.1.12 cents in Survey No.14/2A in Jaggarajupeta village, Gajuwaka Mandal, Visakhapatnam district without resorting to any legal proceedings.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

17.06.2004
va

To
1 The Deputy Commissioner Endowments Department,
Kakinada, East Godavari district
2 The Executive Officer, Simhachalam Devastanam,
Simhachalam, Visakhapatnam District
3 Two CCs to The G.P. for Endowments, High Court Buildings,
Hyderabad (OUT)
4 Two CD copies